

1
2
3 **UNITED STATES DISTRICT COURT**
4 **FOR THE NORTHERN DISTRICT OF NEW YORK**

5 JANE DOE, et al.

Civil Action No.: 1:20 – CV – 0840
(BKS/CFH)

6 Plaintiffs,

7 vs.

8 HOWARD ZUCKER, et al.

ORDER TO SHOW CAUSE

9 Defendants.

10
11 **ORDER TO SHOW CAUSE**
12 **FOR PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER**

13
14 Upon the annexed: (i) declaration of Sujata Gibson, Esq., sworn to the 24th day of August,
15 2020 and the exhibits annexed thereto; (ii) Plaintiffs' Memorandum of Law in Support of its
16 Motion for preliminary injunction and temporary restraining order; and (iii) the annexed
17 declarations of named plaintiffs, class members; and medical and educational professionals;
18 and (iv) the annexed complaint, it is hereby
19

20 **ORDERED**, that the defendants in the above-named lawsuit show cause before this
21 Court, at Room _____ in the United States District Court for the Northern District of
22 New York, located at 100 South Clinton Street, in Syracuse, New York 13261 on
23 _____, 2020 at _____ a.m./p.m. or as soon thereafter as
24 counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal
25 Rules of Civil Procedure:
26 ORDER TO SHOW CAUSE - 1
27

- 1
- 2 1) Staying the new regulations pertaining to the medical exemption from school immunization
- 3 requirements codified in 10 NYCRR §66-1;
- 4
- 5 2) Enjoining defendants from excluding children from school due to lack of immunization if
- 6 such child has presented a certification from a licensed physician advising against such
- 7 immunization; and
- 8
- 9 3) Ordering the Defendants to provide notice to schools, districts, and families that Plaintiffs
- 10 and similarly situated children may attend school and access federally protected programs;
- 11 and
- 12 4) For such other and further relief as the Court deems just and appropriate; and it is further

13 **ORDERED** that, sufficient reason having been shown pending the hearing of the
14 plaintiff's application for a preliminary injunction, but in no event beyond fourteen days from the
15 start of school in September 2020, unless extended by the Court, the defendants are temporarily
16 restrained and enjoined from

- 17
- 18 1) Implementing and enforcing the new regulations pertaining to the medical exemption from
- 19 school immunization requirements codified in 10 NYCRR §66-1;
- 20
- 21 2) Excluding children from school due to lack of immunization if such child has presented a
- 22 certification from a licensed physician advising against such immunization; and
- 23
- 24 3) For such other and further relief as the Court deems just and appropriate; and it is further

25 **ORDERED**, that no security should be required of the plaintiffs because defendant
26 would incur no additional expenses from the relief sought herein; and it is further
27 ORDER TO SHOW CAUSE - 2
28

ORDERED, that service of a copy of this order upon the defendants or their counsel on or before _____, _____ at _____ a.m./p.m. via email to counsel or personal service if on defendant, shall be deemed good and sufficient service thereof; and it is further

ORDERED, that opposing papers, if any, shall be served by e-mail upon Sujata S. Gibson, Esq., The Gibson Law Firm, PLLC attorneys for the plaintiff, at sujata@gibsonfirm.law and Michael Sussman, Esq., Sussman & Associates at sussman1@frontiernet.net received on or before _____, at _____ a.m./p.m.

DATED:

United States District Judge

ORDER TO SHOW CAUSE - 3